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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,951	03/15/2004	Kevin P. Parker	PRKR-4700	4452
7590	10/05/2005		EXAMINER	
Philip A. Girard GIRARD & EQUITZ LLP Suite 1110 400 Montgomery Street San Francisco, CA 94104			OSELE, MARK A	
			ART UNIT	PAPER NUMBER
			1734	
DATE MAILED: 10/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/800,951	PARKER ET AL.
	Examiner Mark A. Osele	Art Unit 1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13, 17-21 and 29-32 is/are rejected.
- 7) Claim(s) 14-16 and 22-28 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06252004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-9, 19, 21, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Flood or Groeneweg. Flood shows a cassette for dispensing a plurality of adhesive backed binder strips, L, on an elongated carrier, B, wound into a roll, 2, wherein the cassette comprises a housing, 1, a mounting mechanism, 4, rotatably mounting the binder strip roll, a drive apparatus, 8, for unwinding the binder strip roll to provide an unwound portion, a separating apparatus, 25, within the cassette for separating the binder strips from the carrier to produce a separated binder strip causing the separated binder strip to be at least partially ejected through a binder strip eject opening in the cassette housing (See Figs. 1, 2).

Regarding claim 2, the separating apparatus includes a separating member which receives the elongated carrier along a path wherein the input and output portions of the path are at an angle so that the binder strips separate from the carrier when the carrier changes movement from the input to the output path.

Regarding claims 3-4 and 30, the drive apparatus includes a take up roller, 11, within the housing which receives the elongated carrier after the carrier has passed the

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separating member and wherein a drive connection, 10, 12, to the take up roller can be rotatably driven by a drive source external to the cassette housing.

Regarding claim 5, the cassette further includes a guide mechanism, 22, 23, to guide the unwound portion from the binder strip roll to the separating apparatus along a guide path.

Groeneweg shows a cassette for dispensing a plurality of adhesive backed binder strips, 12, on an elongated carrier, 14, wound into a roll, 32, wherein the cassette comprises a housing, 16, a mounting mechanism, 18, rotatably mounting the binder strip roll, a drive apparatus, 86, for unwinding the binder strip roll to provide an unwound portion, a separating apparatus, 28, within the cassette for separating the binder strips from the carrier to produce a separated binder strip causing the separated binder strip to be at least partially ejected through a binder strip eject opening, 26, in the cassette housing (See Fig. 5).

Regarding claim 2, the separating apparatus includes a separating member, 76, which receives the elongated carrier along a path wherein the input and output portions of the path are at an angle so that the binder strips separate from the carrier when the carrier changes movement from the input to the output path.

Regarding claims 3-4 and 30, the drive apparatus includes a take up roller, 24, within the housing which receives the elongated carrier after the carrier has passed the separating member and wherein a drive connection, 25, 90, to the take up roller can be rotatably driven by a drive source external to the cassette housing.

Regarding claim 5, the cassette further includes a guide mechanism, 70, 84, to guide the unwound portion from the binder strip roll to the separating apparatus along a guide path.

Regarding claims 7-9, the guide mechanism includes an elongated guide member that engages the unwound portion and causes the unwound portion to move between a first point (at 70) proximate the binder strip roll and a second spaced point (at 84) such that the part of the guide path between the points is non-linear.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Groeneweg or Flood in view of Carolus et al. Carolus et al. shows a guide mechanism comprising round bar, 5, between the binder strip roll and the separating apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the bar of Carolus et al. as a guide mechanism in the apparatus of either Flood or Groeneweg because Carolus et al. teaches that this design achieves braking of the supply reel and tensioning of the unwound portion throughout its path (column 2, lines 37-45).

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5. Claims 10, 17-18 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Groeneweg or Flood in view of Aronson and Parker (2002/0131847). Aronson teaches an opening, 18, in a cassette housing through which a binder strip roll can be viewed. Parker '847 teaches that optically encoded information on a binder strip can be used to control operation of a device (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the opening of Aronson and the optically encoded information of Parker '847 to the cassette of either Groeneweg or Flood because Aronson shows the advantages of being able to view a strip from the outside of a cassette and Parker '847 teaches that optically encodable information is advantageous on an adhesive backed strip for automation.

Regarding claim 32, It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a window at any desired location convenient for viewing.

Regarding claim 10, Aronson further shows an elongated guide which is captured between the binder strip roll and the unwound portion (See Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend the elongated guide of Groeneweg as shown by Aronson because this extension provides control of the unwound portion all the way to its point of departure from the binder strip roll.

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6. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Flood or Groeneweg et al. in view of Aronson and Parker '847 as applied to claim 10 above, and further in view of Carolus et al. Carolus et al. shows that a binder strip roll can be created wherein the elongated carrier, 1, is to the outside of the binder strips, 2 (See Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to design the apparatus of the references as combined to accommodate binder strip rolls, such as shown by Carolus et al., wherein the elongated carrier is on the outside if that is the starting material available or provided.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Groeneweg or Flood in view of Barilovits et al. Barilovits et al. teaches the use of leading and trailing ends, 64, 65, of an adhesive backed binder, 32, on an elongated carrier to be adhesive free so that the leading edge does not adhere to articles prematurely as it is being ejected through the cassette opening. Furthermore, the trailing end also lacks adhesive to prevent confusion as to which end is the leading end when loading a roll into a cassette (column 2, lines 2-29; column 4, lines 8-13).

***Allowable Subject Matter***

8. Claims 14-16 and 22-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art, either alone or in combination, suggests a binder strip roll comprising both binder strips and a carrier wherein the binder strips are not adhered to the carrier. The prior art also fails to suggest an elongate guide member is mounted for movement.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leahy, Bishop, and Dudley et al. each show rolls wherein the elongated carrier to the outside of adhesive backed elements. Gunderson et al. and Ensign, Jr. et al. each show cassettes for dispensing adhesive articles on an elongated carrier wherein the cassette is inserted into another apparatus. Desmond, Turner, Fishman, and Rader each show stand alone cassettes for dispensing adhesive articles. Davis shows a cassette for binder strip material fed into a book binding apparatus. Yeaple teaches that binding strips can be fed either individually or from a roll (column 8, lines 25-27). Yamaguchi et al. shows binding tapes in a roll with adhesive gaps.

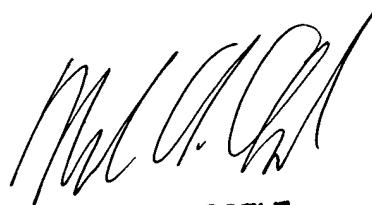
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK A. OSELE  
PRIMARY EXAMINER

October 1, 2005